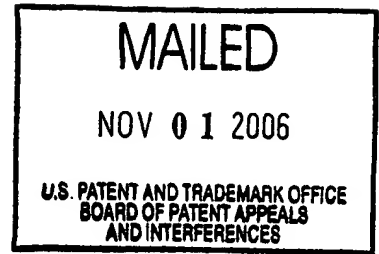


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY GRAUNKE,
MICHAEL S. RIPLEY AND ERNIE BRICKELL

Application 09/896,537



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 24, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An Information Disclosure Statement (IDS) was filed on March 20, 2003. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants regarding why their submission did not meet the criteria set forth in 37 CFR §§1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is ORDERED that the application is returned
to the Examiner to:

- 1) consider the IDS filed March 20, 2003, with appropriate notification to appellants regarding the Primary Examiner's decision and;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. P. Edge for Dale Shaw
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